

1
2
3
4
5
6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 MAYNOR VILLANUEVA,
9

10 *Petitioner,*

11 vs.

12 WARDEN BRIAN E. WILLIAMS, SR.,
13 *et al.,*

14 *Respondents.*

2:15-cv-01567-RFB-NJK

ORDER

15 Petitioner has submitted a completed application to proceed *in forma pauperis* (ECF No. 1)
16 with no habeas petition or complaint of any kind.

17 As petitioner has failed to submit a habeas petition, this matter has not been properly
18 commenced. Accordingly, the application will be denied, and the present action will be dismissed
19 without prejudice to the filing of a petition in a new action on the form required by Rule 3-1 of the
20 Local Rules for Special Proceedings and Appeals for this District, with a pauper application on the
21 proper form with all required attachments.

22 **IT IS THEREFORE ORDERED** that the application to proceed *in forma pauperis* (ECF #1)
23 is **DENIED** and that this action shall be **DISMISSED** without prejudice to the filing of a habeas
24 petition, on the required form, in a new action with a properly completed pauper application.

25 **IT IS FURTHER ORDERED** that the Clerk shall send petitioner two copies each of an
26 application form to proceed *in forma pauperis* for incarcerated persons and a noncapital Section 2254
27

1 habeas petition form, one copy of the instructions for each form, and a copy of the papers that he
2 submitted in this action.

3 **IT IS FURTHER ORDERED** that the Clerk of Court shall enter judgment accordingly and
4 close this case.

5

6 DATED: 5th day of February, 2016.

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28



RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE